

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of KNEE *et al.*

Examiner: Joan Naurot Ton

Serial No.: 10/649,364

Art Unit: 2141

Filed: August 26, 2003

Confirmation No.: 4739

For: **SYSTEM AND METHOD FOR MANAGING SHARED STATE USING  
MULTIPLE PROGRAMMED PROCESSORS**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBSTANCE OF INTERVIEW**

A telephone interview was conducted on April 5, 2007 between Attorney Steven Tietsworth for Applicant and PTO Examiner Joan Naurot Ton and PTO SPE Frantz Jules. The interview was focused exclusively on the 35 USC § 101 rejection in the Office Action issued on March 12, 2007, and none of the other bases for rejection in the Office Action were addressed or discussed. Applicant informed the Examiner that all bases of rejection would be addressed in the Applicant's formal written response to the Office Action.

Applicant argued that the 35 USC § 101 rejection was improper at a minimum because all of the claims were directed to statutory subject matter, and the mere possibility that some of the claim elements may potentially be embodied in the form of software rather than hardware was irrelevant as to whether the subject matter was

statutory under Section 101. Applicant further argued that process claims such as those in the pending application may be statutory subject matter irrespective of whether or not one or more elements may be embodied in software. Applicant also argued that the mere fact that a claim element could conceivably be embodied in software (as asserted by the Examiner), despite the fact that the specification describes one or more embodiments comprising hardware embodiments alone, is irrelevant as to whether the claims are statutory subject matter.

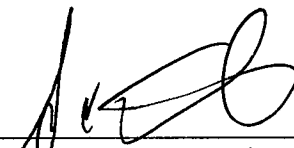
At the conclusion to the interview the Examiner and SPE agreed to consider Applicant's arguments. Examiner Joan Naurot Ton called Applicant's attorney on April 9, 2007. Examiner Ton informed Applicant's attorney that the arguments that claims 1-26 were statutory subject matter under 35 USC § 101 were persuasive, and that the rejections of claims 1-26 under 35 USC § 101 would be withdrawn in due course.

Dated: May 7, 2007

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Respectfully submitted,  
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By:

  
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